FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**MAN/00DA/HNA/2023/0012**
Property	**:**	**2 Cross Woodview Street Beeston LS11 6LA**
Applicants	**:**	**Mr Adam Hussain**
Respondent	**:**	**Leeds City Council**
Type of Application	**:**	**Appeal against a financial penalty - Section 249A & Schedule 13A to the Housing Act 2004**
Tribunal Members	**:**	**Judge, Katherine Southby** **Valuer Member, Amin Hossain**
Date of Decision	**:**	**20th February 2024**

DECISION

The Tribunal dismisses the appeal and upholds the financial penalty of £23,750.

REASONS

Background

1. This is an appeal by the applicant, Mr Adam Hussain, against a financial penalty of £23,750 imposed on him by Leeds City Council ('the Council') under the Housing Act 2004 ('the Act'), s.249A. The penalty arose because of a failure of Mr Hussain to comply with the conditions of a selective licence granted to Mr Hussain in respect of property at 2 Cross Woodview Street, Beeston, Leeds, LS11 6LA ("the Property").

2. A penalty of £30,000 was imposed on 4 January 2023 in relation to the Property. This was revised down to £23,750 by the Respondent and reissued to Mr Hussain on 9 August 2023. Mr Hussain appealed to the Tribunal against the penalty on 30 January 2023.

3. The property was not inspected by the Tribunal.

4. The hearing took place by way of a video hearing on 5 January 2024.

5. The documents to which the Tribunal was referred to are in a bundle of 350 pages from the Respondent together with a skeleton argument and authorities provided by the Respondent. The parties confirmed that this was the totality of documents to be considered by the Tribunal, that they had access to the same documents, had had the opportunity to consider them and were happy to proceed. The order made is described at the end of these reasons.

6. Mr Hussain attended and was not represented.

7. Ms Vodanovic represented the Respondent. The witness was Mr Tindall, Senior Housing Officer from Leeds City Council.

8. We carefully considered all the written evidence submitted to the Tribunal in advance and the oral evidence given to us at the hearing even if we do not specifically mention it. We used the hearing to amplify and update parts of the written evidence and only record such of the oral evidence as is necessary to explain our decision.

The Law

Housing Act 2004

9. Section 249A (1) of the Act provides that a local authority may impose a financial penalty where there has been "a relevant housing offence".

10. Section 249 (2) sets out what amounts to a housing offence and includes at, section 249(a) an offence under section 30 of the Act, namely a failure to comply with an improvement notice. Section 249 (3)-(4) further provides that only one financial penalty can be imposed for each offence and that cannot exceed £30,000. The imposition of a financial penalty is an alternative to criminal proceedings.

11. Selective Licensing is dealt with under Part 3 of the Housing Act 2004. Section 80 of the Act provides local authorities with powers to designate certain areas to be subject to this scheme in respect of residential accommodation generally. Beeston was so designated by R and the scheme came into force on 6th January 2020. A duly applied for a licence and was granted it on 21st May 2021 with a number of conditions imposed.

12. Section 90 of the Act gives local authorities the power to impose '*such conditions as the local housing authority consider appropriate for regulating the management, use or occupation of* 1 *the house concerned*.' In addition to these discretionary conditions which the local authority may impose, Schedule 4 to the Act further sets out mandatory conditions which must be included in any selective licence. No issues are raised by A as to the power to impose the conditions which have been included within the licence granted in respect of this property.

13. A failure to comply with the conditions of a licence is an offence under section 95(2) of the Housing Act 2004:

> *(1) A person commits an offence if he is a person having control of or managing a house which is required to be licensed under this Part (see section 85(1)) but is not so licensed.*
>
> *(2) A person commits an offence if—*
>
> > *(a) he is a licence holder or a person on whom restrictions or obligations under a licence are imposed in accordance with section 90(6), and*
> >
> > *(b) he fails to comply with any condition of the licence.*
> >
> > *...*
>
> *(4) In proceedings against a person for an offence under subsection (1) or (2) it is a defence that he had a reasonable excuse—*
>
> > *(a) for having control of or managing the house in the circumstances mentioned in subsection (1), or*
> >
> > *(b) for failing to comply with the condition, as the case may be.*
> >
> > *...*
>
> *(6) A person who commits an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.*
>
> *(6A) See also section 249A (financial penalties as alternative to prosecution for certain housing offences in England).*

14. Subsection 6A of section 95 of the Housing Act 2004 makes it clear that civil penalty notices can be imposed in respect of this offence, as does section 249A of the 2004 Act which reads as follows:

> *(1) The local housing authority may impose a financial penalty on a person if satisfied, beyond reasonable doubt, that the person's conduct amounts to a relevant housing offence in respect of premises in England.*
>
> *(2) In this section "relevant housing offence" means an offence under— (a) section 30 (failure to comply with improvement notice), (b) section 72 (licensing of HMOs), (c) section 95 (licensing of houses under Part 3), (d) section 139(7) (failure to comply with overcrowding notice), or (e) section 234 (management regulations in respect of HMOs).*
>
> *(3) Only one financial penalty under this section may be imposed on a person in respect of the same conduct.*
>
> *(4) The amount of a financial penalty imposed under this section is to be determined by the local housing authority, but must not be more than £30,000. ...*

Procedural requirements

15. Schedule 13A of the Act sets out the procedural requirements a local authority must follow when seeking to impose a financial penalty. Before imposing such a penalty, the local authority must give a person notice of their intention to do so, by means of a Notice of Intent.

16. A Notice of Intent must be given be given within 6 months of the local authority becoming aware of the offence to which the penalty relates, unless the conduct of the offence is continuing, when other time limits are then relevant.

17. The Notice of Intent must set out:
    - the amount of the proposed financial penalty
    - the reasons for imposing the penalty
    - Information about the right to make representations regarding the penalty

18. If representations are to be made, they must be made within 28 days from the date the Notice of Intent was given. At the end of this period the local authority must then decide whether to impose a financial penalty and, if so, the amount.

19. The Final Notice must set out:
    - the amount of the financial penalty
    - the reasons for imposing the penalty
    - information about how to pay the penalty
    - the period for the payment of the penalty
    - information about rights of appeal
    - the consequences of failure to comply with the notice.

Guidance

20. A local authority must have regard to any guidance issued by the Secretary of State relating to the imposition of financial penalties:2004 Act Schedule 3, para 12. The Ministry of Housing Communities and Local Government issues such guidance (" the MHCLG Guidance") in April 2018: *Civil Penalties under the Housing and Planning Act 12016 – Guidance for Local Authorities*. This requires a local authority to develop its own policy regarding when or if to prosecute or issue a financial penalty. The MHCLG Guidance also sets out the following list of factors which local housing authorities should consider to help ensure that financial penalties are set at an appropriate level:
    a) Severity of the offence.
    b) Culpability and track record of the offender.
    c) The harm caused to the tenant.
    d) Punishment of the offender.
    e) Deterrence of the offender from repeating the offence.
    f) Deterrence of others from committing similar offences.
    g) Removal of any financial benefit the offender may have obtained as a result of committing the offence.

21. In recognition of the expectation that local housing authorities will develop and document their own policies on financial penalties, in June 2018 the Council approved a policy for the use of Civil Penalties as an alternate to prosecution in the Housing and

Planning Act 2016 ('the Policy'). We make further reference to this Policy later in these reasons.

Appeals

22. A final notice given under Schedule 13A to the 2004 Act must require the penalty to be paid within the period of 28 days beginning with the day after that on which the notice was given. However, this is subject to the right of the person to whom a final notice is given to appeal to the Tribunal (under paragraph 10 of Schedule 13A).

23. Such an appeal may be made against the decision to impose the penalty, or the amount of the penalty. It must be made within 28 days after the date on which the final notice was sent to the appellant. The final notice is then suspended until the appeal is finally determined or withdrawn.

24. The appeal is by way of a re-hearing of the local housing authority's decision and may be determined by the Tribunal having regard to matters of which the authority was unaware. The Tribunal may confirm, vary or cancel the final notice. However, the Tribunal may not vary a final notice so as to make it impose a financial penalty of more than the local housing authority could have imposed.

25. When deciding whether to confirm, vary or cancel the final notice imposing the financial penalty, the issues for the Tribunal to consider will or may include:

    a. Whether the Tribunal is satisfied beyond reasonable doubt that the applicant's conduct amounts to a relevant housing offence in respect of premises in England (see sections 249A (1) and (2) of the Housing Act 2004);
    b. Whether the local housing authority has complied with all of the necessary requirements and procedures relating to the imposition of the financial penalty (see section 249A and paragraphs 1 to 8 of Schedule 13A of the 2004 Act);
    c. If the appeal relates to more than one financial penalty imposed on the applicant whether or not they are in respect of the same conduct; and/or
    d. Whether the financial penalty is set at an appropriate level having regard to any relevant factors, which may include, for example:
        i. The offender's means
        ii. The severity of the offence
        iii. The culpability and track record of the offender
        iv. The harm (if any) caused to a tenant of the premises
        v. The need to punish the offender, to deter repetition of the offence or the need to deter others from committing similar offences; and/or
        vi. The need to remove any financial benefit the offender may have obtained as a result of committing the offence

26. A number of decisions of the Upper Tribunal have established the questions that should be addressed when considering an appeal against a financial penalty. Those are *London Borough of Waltham Forest v Younis* [2019] UKUT 0362 (LC), *London Borough of Waltham Forest v Marshall & Another* [2020] UKUT 0035 (LC), *IR Management Services Ltd v Salford City Council* [2020] UKUT 0081 (LC), *Sutton & Another v Norwich City Council* [2020] UKUT 0090 (LC) and *Thurrock Council v Daoudi* [2020] UKUT 209 (LC).

27. The Tribunal's task is not simply matter of reviewing whether the penalty imposed by the Final Notice was reasonable: the Tribunal must make its own determination as to the appropriate amount of the financial penalty having regard to all the available evidence. In doing so, the Tribunal should have regard to the seven factors specified in the MHCLG Guidance as being relevant to the level at which a financial penalty should be set (see paragraph 14, above).

28. The Tribunal should also have particular regard to council's Policy (see paragraph 15, above). As the Upper Tribunal (Lands Chamber) observed in *Sutton & Another v Norwich City Council* [2020] UKUT 0090 (LC):

29. "It is an important feature of the system of civil penalties that they are imposed in the first instance by local housing authorities, and not by courts or tribunals. The local housing authority will be aware of housing conditions in its locality and will know if particular practices or behaviours are prevalent and ought to be deterred."

30. The Upper Tribunal went on to say that the local authority is well placed to formulate its policy and endorsed the view that a tribunal's starting point in any particular case should normally be to apply that policy as though it were standing in the local authority's shoes. It offered the following guidance in this regard:

31. "If a local authority has adopted a policy, a tribunal should consider for itself what penalty is merited by the offence under the terms of the policy. If the authority has applied its own policy, the Tribunal should give weight to the assessment it has made of the seriousness of the offence and the culpability of the appellant in reaching its own decision."

32. Upper Tribunal guidance on the weight which tribunals should attach to a local housing authority's policy (and to decisions taken by the authority hereunder) was also given in another recent decision of the Lands Chamber: *London Borough of Waltham Forest v Marshall & Another* [2020] UKUT 0035 (LC). Whilst a tribunal must afford great respect (and thus special weight) to the decision reached by the local housing authority in reliance upon its own policy, it must be mindful of the fact that it is conducting a rehearing, not a review: the tribunal must use its own judgment and it can vary such a decision where it disagrees with it, despite having given it that special weight.

33. The decision of the Upper Tribunal in *Sutton & Another v Norwich City Council* was appealed to the Court of Appeal. The Court concluded that the penalties imposed could not be impugned: *Sutton & Another v Norwich City Council* [2021] EWCA Civ 20. The Court (at para. 14) having considered the Upper Tribunal's view on the weight to attach to a policy of the authority in *London Borough of Waltham Forest v Marshall & Another* took the view there were no reasons to dissent from those observations.

Evidence

34. It is not disputed by Mr Hussain that he is the freehold owner of the Property at 2 Cross Woodview, Beeston.

35. Nor is it disputed that 2 Cross Woodview Street Beeston, Leeds LS11 6LA falls within the residential area of Beeston which was designated by the Respondent as an area for selective licensing on 18 July 2019 and which came into force on 6 January 2020.

36. It is not disputed that on 6 January 2020 a selective license application was received by the Respondent from the Applicant in respect of the Property. The application stated that the Applicant was the 'Licence Holder' and the 'Property Manager'. A selective licence was granted on 12 May 2021 [page 117].

37. The licence includes the following conditions which are of particular relevance in this matter:

Smoke Alarms

To ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation and to keep each alarm in proper working order.

To supply to the Council, on demand, a declaration as to the condition and positioning of any smoke alarm.

Management of the Property

To ensure that the internal structure of the house and every window and other means of ventilation is maintained in good repair and that any fixtures and fittings and appliances made available are maintained in good repair and working order.

To ensure, as far as is reasonably practicable, that the exterior of the property (including any boundary walls, gates and yards) is maintained in reasonable decorative order and in a good state of repair; that the exterior is free from graffiti and fly posters; and that gardens are

a. *maintained in a reasonably clean and tidy condition.*

38. The Respondent provided the Tribunal with the following Chronology.

6 January 2020	The Respondent received an application for a selective licence for the Property
6 January 2020	Selective licencing comes into effect.
15 April 2021	The Respondent issued a draft selective licence to the Applicant
12 May 2021	The Respondent granted a selective licence to the Applicant
20 September 2022	The Respondent's officer noticed a broken window outside the Property and, after speaking with the tenant, entered the Property and witnessed other deficiencies such as a missing fire door and smoke detector and a boiler without pressure.
22 September 2022	The Respondent inspected the Property for the purposes of checking compliance with the terms of the selective licence
6 October 2022	The Respondent wrote to the Applicant with a request to answer questions under caution, in accordance with the Police and Criminal Evidence Act 2004 (PACE) and a copy of the inspection report showing a list of the issues identified by the Respondent and requesting documentation required under the terms of the selective licence
9 November 2022	The Respondent served a notice of intent to impose a financial penalty on the Applicant in the sum of £30,000.00
19 November 2022	The Applicant wrote to the Respondent with copies of documents sought by the Respondent in its letter of 6 October 2022
1 December 2022	The Respondent revisited the Property to identify the works carried out.

2 December 2022	The Respondent wrote to the Applicant with a second request to answer questions under caution, in accordance with the Police and Criminal Evidence Act 2004 (PACE)
22 December 2022	The Applicant responded in writing to questions under caution
4 January 2023	The Respondent served a final notice to impose a financial penalty. in the sum of £30,000.00
8 February 2023	The Respondent received a copy of the application to appeal against the financial penalty

39. Mr Hussain informed the Tribunal that the Property is owned by his father and has been let out since 2006. He stated that he has been managing the Property for the last 3 to 4 years and that there are approximately 3 other properties owned by his father for which Mr Hussain is the licence holder.

40. Mr Hussain stated that the Property had previously been let. He referred to a tenant who moved in on 2 December 2021 who he stated left the Property in a bad state having damaged it. He stated that the property was empty for about a month before a new tenant moved in on 13 September 2022 – the Tribunal being referred to the tenancy agreement for this period [page 139].

41. Mr Hussain confirmed that he did not do the repairs to the Property before the new tenant moved in, although he stated that the works had already started by that time.

42. There was conflicting evidence given by Mr Hussain about when the Property was vacant or occupied and the status of the tenant at the Property who was variously described as being allowed to move in as a homeless friend of a friend, moving in at a reduced rent until works were finished, being aware of the works which were being undertaken and/or refusing to move out.

43. Mr Hussain upon further questioning stated that Mr Ruzicka had only stayed for a week. He also said he had been offered multiple chances to move out into another property but refused.

44. At one point Mr Hussain informed the Tribunal that Mr and Mrs Ruzicka were not supposed to move in until the work was completed. He stated that he should have started with work when the Property was empty, and he accepted that the tenant should not have moved in, but he then stated that the tenant was not sleeping there.

45. Mr Hussain gave oral evidence that he does not dispute the evidence given by Mr Tindall that he saw what he reported as having seen when he inspected the Property. He subsequently disputed Mr Tindall's evidence that he did not see any works having started as of the inspection on 22 September 2022.

46. Mr Hussain stated that the apparent breach of licence conditions at the date of the inspection on 22 September 2022 was due to the difficulties with Covid19.

47. Mr Hussain stated that he did not receive the PACE questions [page 181] although he accepted that they were sent to his correspondence address.

48. In oral evidence and in his application form Mr Hussain stated that at the time of receipt of the notice of intent to impose a Financial Penalty all works to the Property had been carried out. Mr Hussain stated that at the time of Mr Tindall's inspection on 22 September 2022 the works to the Property were underway and that Mr Tindall and the Respondent would have been aware of that.

49. Mr Hussain subsequently accepted in oral evidence that some works remained outstanding on 1 December 2022.

Decision

50. The Tribunal first considered whether it is satisfied that the offence of failing to comply with the conditions of a licence under s95(2) of the Housing Act 2004 has been made out.

51. Mr Hussain's oral evidence was inconsistent but included admissions that the breaches of the licence conditions identified by Mr Tindall existed at the date of his inspection on 22 September 2022. We are satisfied that this is the relevant date for the commission of the offence and satisfied that the Property Compliance Report [page 187] setting out the breaches was sent to Mr Hussain.

52. We find the evidence of Mr Tindall to be persuasive and supported by the documentary evidence provided within the bundle. We find that there were two separate areas for breach. Firstly, several fire detectors missing from the Property as of 22 September 2022 notwithstanding that the licence application form states that there were smoke alarms fitted on each floor [page 67]. Secondly there are various breaches of the licence conditions relating to the management of the property including loose light fittings, loose window handles, zero pressure in the boiler and electrical sockets hanging off.

53. We considered whether Mr Hussain had provided the Tribunal with any evidence which could amount to a reasonable excuse for these breaches. We carefully considered Mr Hussain's oral evidence about the actions of the previous tenant but note that no corroborative evidence was provided to support this, and even if it was the case that the previous tenant caused damage to the Property, the Tribunal found no persuasive evidence as to why Mr Hussain had allowed a tenant to move into the Property before the works were completed and the breach of the licence conditions remedied. The Tribunal found Mr Hussain's evidence on this point extremely fluid and variable and was not persuaded that there was sufficient evidence of a reasonable excuse.

54. We carefully considered Mr Hussain's arguments that the works were already underway as of 22 September 2022, but we do not find that to be a helpful argument on Mr Hussain's behalf. Firstly, Mr Tindall's evidence which we found persuasive did not support this claim, and even taking Mr Hussain's claims at their highest it is not disputed that the works were not completed either as of 22 September 2022 or indeed at the reinspection in December 2022 whereupon the fire doors still had not been replaced [page 268, the boiler still showed zero pressure [page 269 page 59].

55. We find that we are satisfied beyond reasonable doubt that a relevant housing act offence has been committed, namely that there was a failure to comply with the licence conditions of the licence dated.

56. Notwithstanding that no issue is raised by the Applicant, we next considered the procedural compliance of the Respondent. Paragraphs 3 and 8 of Schedule 13A to the Housing Act 2004 deal with the contents of the Notice of Intent and the Final Notice respectively.

57. We find that the Notice of Intent was given within 6 months of the local authority becoming aware of the offence to which the penalty relates and set out the amount of the proposed financial penalty the reasons for imposing the penalty and information about the right to make representations regarding the penalty. We find that the Final Notice correctly set out:
    - the amount of the financial penalty
    - the reasons for imposing the penalty
    - information about how to pay the penalty
    - the period for the payment of the penalty
    - information about rights of appeal
    - the consequences of failure to comply with the notice.

58. We next considered procedural compliance concerning the Final notice. The Final Notice issued in this case is dated 4 January 2023 [page 290] The procedural requirements imposed by paragraph 8 have been complied with within that Final Notice, save for 8(b) which deals with the reasons for imposing the penalty. We note that the same reasons which had been set out in the Notice of Intent were not repeated within the Final Notice dated 4 January 2023, despite the letter stating that they were so included.

59. The Tribunal notes this procedural shortcoming but is mindful of the Upper Tribunal decision of *Waltham Forest LBC v Younis* [2020] HLR 17. We note that the aim of the procedural requirements is to ensure that an applicant has ample opportunity to respond to the reasons behind the imposition of the penalty.

60. In this case, Mr Hussain remained in communication with the Respondent following the imposition of the Final Notice on 4 January 2023. In February 2023, the Applicant provided photographs of the works done to the property [Page 316 - 326], and Mr Tindall re-inspected the property in May 2023 to check the extent of the works done and noted that the majority of the works had been carried out leaving minor issues only [Page 62]. The civil penalty was re-calculated to £23,750 and the amended Final Notice was sent out to Mr Hussain on 9 August 2023 [Page 342]. This amended Final Notice included the full reasons for the imposition of the penalty. In the view of the Tribunal, whilst it would clearly have been preferable had the full reasons been included with the previous iteration of the Final Notice, we do not see that any prejudice has been caused and we are satisfied that Mr Hussain has had ample opportunity to consider the full reasons and respond to them, and indeed we note that he was still able to do so at the full re-hearing before the Tribunal. We find that here is no prejudice to the Applicant and we note that no such concern or suggestion of prejudice is raised by him either in his application or indeed at the Hearing itself despite the matter being aired by the Respondent.

61. In our view the Respondent has complied sufficiently with its procedural obligations in respect of the issuing of the financial penalty

Penalty

62. We next considered the penalty imposed by the Council.

63. We remind ourselves that our task is not simply matter of reviewing whether the penalty imposed by the Council by the Final Notice was reasonable: we must make our own determination as to the appropriate amount of the financial penalty having regard to all the available evidence before us.

Culpability

64. We considered the Guidance on Civil Penalties and the Respondent's own Guidance [page 286] note that this states that 'a landlord will be deemed to be highly culpable where there is a "*serious or systematic failure to comply with their legal duties*". In this case there was not a single isolated breach but multiple compliance breaches as identified by Mr Tindall throughout the Property, which Mr Hussain was clearly aware of when the decision was taken to allow a new tenant to move in, and despite holding 3 other licences Mr Hussain appeared to be oblivious to the need for any systematic need for inspection as part of his responsibility as a licence holder.

65. For the reasons above we consider culpability in this case to be High. We note that the assessment of the Respondent in this matter was also High.

Harm

66. The Council categorised the level of harm in this matter as high. We agree with this assessment noting that the missing smoke detectors and missing fire door to the kitchen observed by Mr Tindall, and evidenced in his witness statement and accompany photos, which we accept, give rise to a high risk of a serious adverse effect on an individual living at the Property.

67. A High level of Harm and a High level of Culpability places the initial level of fine under the Respondent's policy at £25,000. This is therefore the starting point prior to considering aggravating and mitigating factors.

68. We agree with the Council's analysis that the aggravating factors are that there were numerous items of non-compliance, and that rent was being paid in cash.

69. In terms of mitigating features we agree that Mr Hussain has cooperated with the investigation and has no previous convictions. We note that the Respondent has also treated Mr Hussain's carrying out of the works as acceptance of responsibility for which they have given credit as a mitigating factor. Having heard Mr Hussain's oral evidence we are less persuaded that he takes responsibility for his actions, and we consider that the Respondent has been generous in applying this as a factor. Compliance with the licence requirements is not something which arises with a given timescale to put things right, as per an Improvement Notice – the licence itself contains conditions which require continuous compliance, and Mr Hussain has failed to comply.

70. We carefully considered the oral representations made by Mr Hussain in respect of mitigating factors. We do not accept that the alleged miscommunication between himself and Mr Tindall is a mitigating factor, and we find no evidence that Mr Tindall was unhelpful or obstructive. His reference to 'bad timing', in that the work was already being done when Mr Tindall inspected is not a mitigating factor and does not explain why he moved a tenant in prior to that point. It is simply a reflection that he wishes that he had not been found to be in a situation of non-compliance. We note the reference to Covid19 and we accept that it may still have been more difficult to get work done in a timely fashion as a consequence of the backlog which arose following the various lockdowns We also accept the oral evidence of Mr Hussain that he has tried to improve his understanding of his obligations since this incident and has attended courses for Landlords to help him to do so.

71. We are not bound by the 5% increments within the Council policy, and we remain mindful of the statutory guidance that a civil penalty should not be regarded as a lesser option compared with prosecution and should be set at a level high enough to ensure it has a real economic impact on the offender and removes any financial benefit obtained from the offence. Mr Hussain was receiving rent during the period of non-compliance, and we have reflected this in our thinking. We note that no evidence is provided to us regarding the Applicant's means to pay the financial penalty to support Mr Hussain's assertions that he does not profit from the properties. In the absence of any such evidence we are unable to give this any weight.

72. Having considered all these factors we agree with the Respondent that the financial penalty is appropriately set at to £23750.

73. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional Office, which has been dealing with the case.

74. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

75. If the person wishing to appeal does not comply with the 28-day time limit, that person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

76. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.

Tribunal Judge Katherine Southby

5 February 2024